

Nadler Leads Delegation Demanding FAA Impose Major Regulations on NYC Airspace

Wednesday, 12 August 2009

NEW YORK, N.Y. – Today, Congressman Jerrold Nadler (D-NY), the senior member from the Northeast on the House Transportation and Infrastructure Committee, and 14 of his House colleagues, sent a letter to FAA Administrator Randolph Babbitt requesting specific regulatory changes which are essential for improving the safety of New York's congested and dangerous airspace.

"Last Saturday's horrific crash is a powerful wake-up call to the FAA that we can no longer allow the free-for-all that currently imperils our local airspace," said Nadler. "We are calling on the FAA to immediately implement major regulations on New York's airspace to prevent future tragedy. At a minimum, the FAA must require the installation of the Traffic Collision Avoidance System and a Mode C Transponder on all aircraft that seat less than ten people. The FAA should carefully review Saturday's incident and determine what additional changes can be made to improve the management of the region's air space. Every helicopter and general aviation aircraft should be required to file flight plans, even for trips under 1100 feet, and we should seriously consider banning all flights below 1100 feet until radar systems are available to track them."

The text of today's letter follows and is attached as a pdf.

August 12, 2009

The Honorable J. Randolph Babbitt

Administrator

Federal Aviation Administration

800 Independence Avenue SW

Washington, DC 20591

Dear Administrator Babbitt:

We write to request that the Federal Aviation Administration (FAA) immediately regulate New York City's congested and dangerous airspace. Saturday's mid-air crash between a sightseeing helicopter and a small airplane over the Hudson River is a tragic and powerful reminder of what we have known for some time – that the virtually non-existent oversight of small on-demand aircraft must come to an end, particularly in New York's heavily congested airspace. The Hudson River flight corridor must not continue to be the Wild West. The FAA must act immediately, before further lives are lost.

It is unfortunate that the FAA insisted to us for years that it lacked statutory authority to regulate the airspace in the New York City corridor below 1100 feet altitude. We are gratified, that yesterday, the FAA reversed its position and agreed it has statutory authority to regulate this airspace. It is tragic that it took nine deaths to produce this belated concession.

Now, the FAA should swiftly use its authority to prevent future tragedies.

First, the FAA should take immediate steps to implement the recommendations of the Department of Transportation Inspector General (DOT IG), the National Transportation Safety Board (NTSB), and the FAA Advisory Committee for these types of aircraft operations. At a minimum, the FAA must require the installation of the Traffic Collision Avoidance System (TCAS-II), and a Mode C Transponder, on all aircraft that seat less than ten people. Any additional common-sense measures that can be implemented should be done so immediately.

Second, the FAA should carefully review this incident, along with other factors, and determine what additional improvements can be made in the near-term and long-term to improve the management of the region's air space. For example, the FAA should examine the feasibility of moving to a satellite based system for air traffic management that could provide greater technological capability to manage flight traffic below 1500 feet. In the meantime, every helicopter and general aviation aircraft should be required to file flight plans, even for trips under 1100 feet. In addition, we should seriously consider banning all flights below 1100 feet until radar systems are available to track them.

The Hudson River flight corridor presents unique challenges, but the danger of unregulated on-demand aircraft is also a widespread problem in the New York region and the country. According to the DOT IG, there were 33 accidents and 109 fatalities involving on-demand aircraft in 2007 and 2008. And these types of collisions have been happening for decades. In 1989, following a similar accident in Southern California, Congress passed legislation to accelerate the development of collision avoidance systems. In 1994, the FAA took action to regulate dangerous helicopter tours in Hawaii. Just this year, the FAA initiated a rulemaking to increase safety operations of emergency medical service helicopters.

Despite the decades of incidents, studies, and recommendations, much work remains to be done. We call on the FAA to take immediate action to provide greater oversight of small aircraft operations throughout the country, the New York region, and in particular, of the Hudson River flight corridor in New York. We stand ready to work with you to provide the FAA with whatever additional resources might be necessary to improve the safety of New York's congested airspace.

Sincerely,

Jerrold Nadler

Michael McMahon

Timothy Bishop

Albio Sires

John Hall

Nita Lowey

Carolyn Maloney

Paul Tonko

Yvette Clarke

Jose Serrano

Gary Ackerman

Joe Crowley

Donald Payne

Anthony Weiner

Bill Pascrell